

REMARKS

The Office Action mailed May 24, 2004 has been reviewed and carefully considered.

Claims 17-39 are pending in this application.

Claims 17-22, 26-33, and 35-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman et al. (hereinafter "Klosterman") in view of Schein and Witek et al. (hereinafter "Witek"). Claims 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in view of Schein and Witek and in further view of Terasawa.

The Applicants respectfully disagree with the Examiner regarding the combination of Witek with Klosterman and Schein. First, the Applicants respectfully assert that there exists NO teaching, suggestion, or motivation, either implicitly or explicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine or modify the teachings of the prior art to produce the claimed invention, as is required for an obviousness type rejection (see, e.g., MPEP §2143.01). Second, the Applicants respectfully assert that Witek is non-analogous art with respect to Klosterman and Schein and to the present invention.

Regarding the first and second points above, Witek is directed to providing **classified ads** over the Internet (Witek, Abstract). In contrast, Klosterman is directed to merging **television schedule information** received from multiple sources such as a cable box, an integrated receiving decoder, and a television antenna (Klosterman, Abstract and FIG. 1). Further in contrast to Witek, Schein is directed to providing **television schedule information** to a viewer, and for allowing the viewer to link, search, select and interact with information in a remote database (Schein, Abstract). The present invention is directed to "collating data from multiple sources to form a composite **program guide** for display" (Applications' specification, Title). Accordingly, while Klosterman and Schein share the exact same International Classification and many of the same United States Classifications and Field of Search classifications, they do NOT SHARE EVEN ONE such United States Classification, International Classification, and/or Field of Search classification with Witek. For example, both Klosterman and Schein share the same International Classification, namely H04N 7/10. Moreover, both Klosterman and Schein share the same United States Classifications, namely 348/12 and 348/13. Further, both Klosterman and Schein share the same Field of Search

classifications, namely 348/6, 348/7, 348/12, 348/13, 348/906, and 455/5.1. However, Witek DOES NOT HAVE EVEN ONE SINGLE classification (International Class, United States Class, and/or Field of Search) with Klosterman or Schein.

In support of his argument that the references are analogous art and that a motivation or suggestion exists to modify the references to obtain the present invention, the Examiner has stated in the Office Action that “[a]ll three references are [sic] deal with categories and are thus analogous art”. The Applicants respectfully disagree that the mere fact that all of the references have or deal with categories renders the references analogous art and provides a motivation or suggestion to modify and combine the same to obtain the present invention. For example, pens have categories (ball-point, fountain, etc.) and vehicles have categories (cars, boats, planes, motorcycles, trains, etc.). However, someone looking to the field of pens would not look to the field of vehicles to solve their problem just because both pens and vehicles include categories. Similarly, one presented with information relating to television program scheduling would not look to classified ads.

To illustrate the differences further, television schedule information does not even relate to the same type of information encompassed by classified ads. For example, while television schedule information specifies, e.g., a name of a television program, actors/actresses in the program, a time that the program is to begin, a parental guide rating, and so forth. In contrast, classified ads relate to, e.g., employment opportunities, items for sale such as cars, and so forth.

Accordingly, for at least the reasons set forth above, the Applicants respectfully assert that Witek is non-analogous art, that no suggestion or motivation exists to combine and modify the references to obtain the present invention and, thus, the combination of Witek with any other references in a rejection against the pending claims is improper. Thus, the Applicants respectfully assert that Witek be removed from consideration with respect to the pending claims 17-39.

Accordingly, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejections of the claims set forth in the Office Action of May 24, 2004 be withdrawn, that pending claims 17-39 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

**CUSTOMER NO.: 24498**  
**Serial No.: 09/402,524**  
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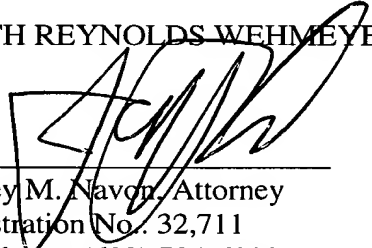
**PATENT**  
**RCA 88,321**

Please charge the \$1500 fee for the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) to Deposit Account No. 07-0832 and any other fees that are required at this time in connection with the application.

Respectfully submitted,

KEITH REYNOLDS WEHMEYER ET AL.

By:



\_\_\_\_\_  
Jeffrey M. Navon, Attorney  
Registration No.: 32,711  
Telephone: (609) 734-6823

Patent Operations  
Thomson Licensing Inc.  
P.O. Box 5312  
Princeton, NJ 08543-5312

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